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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ WP(C) 10724/2016

UN-CANNED MEDIA PVT LTD. & ANR.Petitioners

Through Mr. Ashish Kumar, Mr. Vivek Sann,
Md. Danish, Advocates.

versus

MINISTRY OF INFORMATION & BROADCASTING & ORS.

.....Respondents

Through Mr. Mukul Rohatgi, Sr. Advocate, Dr.
A.M. Singhvi, Sr. Advocate, Mr.
Rajiv Nayyar, Sr. Advocate with Mr.
Sai Rajagopala, Mr. Siddharth
Chopra, Ms.Ruby, Mr. Amit, Mr.
Utsav and Mr. Arvind, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **11.08.2017**

CM NO.29037/2017

1. This is an application on behalf of the respondent Nos.3 and 4 seeking stay of proceedings emanating from FIR No.238/2017 dated 01.08.2014 registered with the Police Station – New Friends Colony, South East District.

2. On 11.11.2016, this petition, filed by the petitioner, was listed before this Court. The petitioner had alleged that respondent No.4 was providing content through IPTV in violation of the downlinking guidelines as also the guidelines for providing in Internet Protocol

Television (IPTV) service. It was contended that the content, being provided by the respondent No.4 was unregulated and uncensored. The petitioner also contended that objectionable content was being made available for being downloaded from the IP of the service provider by the respondent No.4 through its website 'Hotstar.com'.

3. On 11.11.2016, the respondent Nos.1 and 2 i.e. the Ministry of Information and Broadcast and the Department of Telecommunication were directed to look into the issue and, in case, the content being made available through the website was objectionable or prohibited, appropriate action be taken by them in accordance with law.

4. On 22.11.2016, an application was filed by the respondent Nos.3 and 4, *inter alia*, contending that the petitioner had filed the petition concealing several facts and had also concealed that there were several litigations pending between the petitioner and respondent Nos.3 and 4 and even contempt proceedings were pending against the petitioner for violating orders of the court.

5. It was contended on 22.11.2016, that the petitioner was seeking to defame and malign the officers of the respondent by posting several tweets which were defaming in nature. Further, it was contended that the motive of the petitioner was to coerce and threaten the respondent Nos.3 and 4 in settling the various disputes with the petitioner.

6. Taking note of the contentions of the respondent Nos.3 and 4, this Court, *inter alia*, passed the following order:-

" The petitioners are restrained from, directly or indirectly, indulging in any further communications or publications, whether orally or in writing, in relation to the issues raised in the present petition, that have the result of misinterpreting the order dated 11.11.2016 or spreading misinformation, that is, scandalous, contemptuous or intimidating.

The petitioners are further restrained from doing anything, directly or indirectly, which has the effect of prejudicially affecting or interfering with the adjudication of the issues raised in the present petition, that have been directed to be examined by the respondent Nos.1 & 2 by order dated 11.11.2016.

The petitioners are further restrained from, directly or indirectly, issuing any e-mails or letters or addressing any communications to any officials or family members of such officials of respondent Nos.3 &4 or their parent company i.e. 21st Century Fox or any other associate company of the said respondents.

The petitioners are further restrained from issuing any communications or publications harassing, threatening or targeting any officials of respondent Nos.3 & 4, their parent company or any other associate Company or any family member of such official.

The petitioner is further directed to delete all blogs and tweets, which are in contravention of the above directions issued on this application."

7. Thereafter, several applications and even contempt petitions have been filed by the respondent Nos.3 and 4 contending that the petitioner has violated the restrained order dated 22.11.2016.

8. It is further contended that, in breach of order dated 22.11.2016,

the petitioner has lodged a complaint with the Police Station – New Friends Colony on 01.08.2017. Referring therein to the representations dated 20.09.2016 and 14.10.2016, sent to the Ministry of Information and Broadcasting raising identical issues as are subject matter of the present petition.

9. It is contended that consequent to the said complaint, FIR No.238/2017 dated 01.08.2014 has been registered with the Police Station – New Friends Colony, South East District.

10. Learned senior counsel for the petitioner contends that the matter was listed in court on 10.08.2017 and without either informing or seeking permission of the court, the petitioner has got the said FIR registered.

11. It is submitted that the said complaint, lodged by the petitioner and the consequent FIR registered thereon, is in teeth of the restraint order issued against the petitioner on 22.11.2016.

12. It is contented that the petitioner has filed an independent Contempt petition being Cont.Cas(C) 565/2017.

13. It is further submitted that the Investigating Officer has issued a notice under Section 91 of the Criminal Procedure Code directing Mr. Uday Shankar, CEO of the respondent No.3 and Mr. Ajit Mohan, Principal Officer of the respondent No.4 to furnish certain documents on or before 15.08.2017, failing which, action would be taken against them.

14. Issue notice. Notice is accepted by the learned counsel appearing for the petitioner, who prays for time to file a reply.
15. Let the reply be filed within three weeks. Rejoinder, if any, be filed within ten days thereafter.
16. Till the next date of hearing, further proceedings on FIR No.238/2017 dated 01.08.2014 registered with the Police Station – New Friends Colony, South East District, shall remain stayed.
17. It is further directed that, till the next date of hearing, no coercive action shall be taken against Mr. Uday Shankar, CEO and Principal Officer of the respondent No.3 and Mr. Ajit Mohan, CEO and Principal Officer of the respondent No.4.
18. Renotify on the date already fixed, i.e. 19.09.2017.
19. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 11, 2017
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